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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,023	04/09/2001	Mara Wallach	W 976-003-PAT	8374

7590 04/15/2005  
Friederichs Law Firm, plc.  
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EXAMINER

MENDIRATTA, VISHU K

ART UNIT PAPER NUMBER

3711

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/829,023	<b>Applicant(s)</b> WALLACH, MARA	
	<b>Examiner</b> Vishu K Mendiratta	<b>Art Unit</b> 3711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the score sheet** must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered. Each feature shown should be fully supported by original disclosure.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **12,16,17,18** as described in the specification. Any structural detail that is essential for a

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proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: **"list", "chore list score sheet", "posted on conspicuous location", "free pass", "trading cards"**. These are just some examples. All claims are required reviewing for limitations with no antecedent basis.

4. Claims 1-17 objected to because of the following informalities: Applicant's **invention is a method of playing a game** and the **claims have no such indication**.

Appropriate correction is required.

5. The abstract of the disclosure is objected to because **of having more than 150 words**. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the absence of a clear environment/apparatus it is not possible to practice claimed method. **For example claim 1 has long narrating run-on sentences with no clear meaning/limitations.** For example "the recording each .....in a card deck and list;". Further there is **inconsistent terminology/unclear means for scoring**.

For proper recording/scoring/tallying method steps it is essential to provide all supporting apparatus/structure. Claims have inconsistent terminology such as **Is it "chore list score sheet" (as in claim) or is it "chore list tally sheet"(as in specification)?**.

Further there is no clear demonstration (**no drawing**) of means for scoring in the specification proper understanding of the method. **Structure of apparatus and**

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**method limitations are mixed up and confusing.** If a claim has more limitations than one, they should be clearly separated and indented for clarity.

Examiner suggests constructing claims by **clearly providing necessary apparatus/structure** in the beginning of the claim **followed by sequential method steps** for better understanding and practice.

8. Claim 13 recites the limitation "the scoring" in the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4,7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Labrot (6345821) in view of Acoba (5657989).

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Labrot teaches identifying, selecting and recording chores as weekly task (16), using a random selection process for selecting chores (abstract lines 5-7), job tokens (64), selecting chore from a bag (5:7-12), keeping a tally of reward (like score) on a score sheet (76), promoting the name of the member winning in a month on a region (76), selecting a predetermined number of jobs each week (possible nine entries on list 26). Labrot teaches all limitations except that it does not teach chores on cards from a deck. Acoba teaches players selecting chores by picking cards (20).

Examiner takes the position that in the method step of drawing from a deck of cards the functionality remains the same as picking from a group of chips or coins.

Whereas some players like the use of chips and coins for random drawing, others like cards as personal preference. In order to make the game attractive for players who like the use of cards, it would have been obvious to modify Labrot and replacing chips (64) by Acoba's cards (20). One of ordinary skill in art at the time the invention was made would have suggested using cards in place of chips/coins for random drawing.

11. Claims 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Labrot (6345821).

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Labrot teaches identifying, selecting and recording chores as weekly task (16), using a random selection process for selecting chores (abstract lines 5-7), job tokens (64), selecting chore from a bag (5:7-12), keeping a tally of reward (like score) on a score sheet (76), promoting the name of the member winning in a month on a region (76), selecting a predetermined number of jobs each week (possible nine entries on list 26). Labrot teaches all limitations except that it does not teach collecting coins as rewards. Labrot teaches rewarding players for completing chores (27). In the art area of games it is a common practice to choose award players (4:6-7) in many different ways. Some games award in perks others in cash/coin/token awards. In order to attract certain group of players, it would have been obvious to award players with tokens. One of ordinary skill in art at the time the invention was made would have suggested modifying Labrot to allow players to be awarded coins/tokens to attract certain group of players.

***Allowable Subject Matter***

12. Claims 5-6, 11-12, 16-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vishu K Mendiratta  
Primary Examiner  
Art Unit 3711

VKM  
April 13, 2005

<b>Notice of References Cited</b>	Application/Control No. 09/829,023	Applicant(s)/Patent Under Reexamination WALLACH, MARA	
	Examiner Vishu K Mendiratta	Art Unit 3711	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,345,821	02-2002	Labrot, Karen L.	273/236
	B	US-5,657,989	08-1997	Acoba, Corwin	273/249
	C	US-5,639,242	06-1997	Wilson, Laura Lee	434/238
	D	US-5,725,381	03-1998	Kollath et al.	434/238
	E	US-5,577,915	11-1996	Feldman, Dana H.	434/238
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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